



**Preparatory Commission for the
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**Working Group on the Assembly
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**Election procedures of the Committee on Budget and Finance of
the International Criminal Court: comparative chart with the
procedures of the Advisory Committee on Administrative and
Budgetary Questions of the United Nations and the Finance
Committee of the International Seabed Authority**

Working paper by the Secretariat

A. Introduction

1. The present working paper has been prepared by the Secretariat at the request of the Coordinator of the Working Group on the Assembly of States Parties — Preparatory Documents. It offers in tabular form a comparison of the provisions establishing on the one hand the Committee on Budget and Finance and on the other the Advisory Committee on Administrative and Budgetary Questions of the United Nations and the Finance Committee of the International Seabed Authority.¹ It also describes the procedures that have been applicable in the election of the latter two bodies and on that basis suggests possible options for consideration in an election concerning members of the Committee on Budget and Finance.

¹ It may also be noted that, with respect to the International Tribunal for the Law of the Sea, the Committee on Budget and Finance is a committee established as such by the Tribunal. It consists of officials of the court (Vice-President as Chairman and five other members). It is therefore not covered in the present paper. In addition, rule 53 bis of the Rules of Procedure of the Meeting of States Parties to UNCLOS provides for an open-ended working group on financial and budgetary matters to be established by the Meeting of States Parties, at which financial and budgetary matters will be discussed (SPLOS/71).



B. Comparative chart

<i>Committee on Budget and Finance</i>	<i>Advisory Committee</i>	<i>Finance Committee</i>
Size of committee		
12 members.	16 ^a members, including at least three financial experts of recognized standing.	15 members.
Nationality		
No two members shall be nationals of the same State.	No two members shall be nationals of the same State.	No two members shall be nationals of the same State Party.
Criteria		
The Assembly shall elect the members.	The General Assembly shall appoint an Advisory Committee consisting of 16 members.	Members shall be elected by the Assembly.
Election on the basis of equitable geographical distribution .	Members shall be selected on the basis of broad geographical representation, personal qualifications and experience .	Due account shall be taken of the need for equitable geographical distribution and representation of special interests .
Members shall be experts of recognized standing and experience in financial matters at the international level from States Parties.	At least three financial experts of recognized standing . The three financial experts shall not retire simultaneously.	The following groups of States shall also be represented on the Committee by at least one member: States Parties which, during the last five years for which statistics are available, have either consumed more than 2 per cent in value terms of total world consumption or have had net imports of more than 2 per cent in value terms of total imports of commodities produced from the categories of minerals to be derived from the Area (Implementing Agreement, annex, section 3, para. 15 (a)). The eight States Parties which have made the largest investments in preparation for and in the conduct of activities in the Area, either directly or through their nationals (Annex, section 3, para. 15 (b)). States Parties which, on the basis of production in areas under their

jurisdiction, are major net exporters of the categories of minerals to be derived in the Area, including two developing States whose exports of such minerals have a substantial bearing upon their economies (Annex, section 3, para. 15 (c)).

Developing States Parties, representing special interests (including large populations, States, which are landlocked or geographically disadvantaged island States, States which are major importers of the categories of minerals to be derived from the Area, States which are potential producers of such minerals and least developed States) (Annex, section 3, para. 15 (d)).

Until the Authority has sufficient funds other than assessed contributions to meet its administrative expenses, the membership of the Committee shall include representatives of the five largest financial contributors to the administrative budget of the Authority.

Thereafter, the election of one member from each group shall be on the basis of nomination by the members of the respective group without prejudice to the possibility of further members being elected from the group.

Members with appropriate qualifications relevant to financial matters. States Parties shall nominate candidates of the highest standards of competence and integrity.

Members shall have no financial interest in any activity relating to matters upon which the Committee has the responsibility to make recommendations.

Term

Members shall carry out their duties for **three calendar years** and may be re-elected.

Members shall serve for a period of **three years** corresponding to **three calendar years**.

Members shall serve for a period of **five years** and are eligible for re-election for a further term.

<i>Committee on Budget and Finance</i>	<i>Advisory Committee</i>	<i>Finance Committee</i>
	Members shall retire by rotation and shall be eligible for reappointment.	In the event of death, incapacity or resignation, the Assembly shall elect for the remainder a member from the same geographical region or group of States.
Cadence		
Of the 12 members who are initially elected, 4 shall be elected for a period of one year, 4 for a period of two years and the remaining 4 for a period of three years.	The General Assembly shall appoint the members at the regular session immediately preceding the expiration of the term of office of the members or, in case of vacancies, at the next session.	None.
Functions		
Responsible for the technical examination of any document submitted to the Assembly of States Parties that contains financial or budgetary implications or any other matter of a financial, budgetary or administrative nature, as may be entrusted to it by the Assembly.	See General Assembly resolution 14 (I) of 13 February 1946 and rules 155, 156 and 157 of the rules of procedure of the General Assembly.	See Implementing Agreement, section 9, para. 7.
In particular, it shall review the proposed programme budget of the Court, prepared by the Registrar, in consultation with the other organs referred to in article 34 (a) and (c) of the Rome Statute.		
It shall make the relevant recommendations to the Assembly concerning the proposed programme budget.		
It shall also consider reports of the Auditor concerning the Court's financial operations and shall transmit them to the		

*Committee on Budget and Finance**Advisory Committee**Finance Committee*

Assembly of States Parties
together with any
comments which it may
deem appropriate.

Review of membership

The Assembly of States
Parties shall keep under
review the number of
members of the
Committee on Budget
and Finance.

General Assembly has
increased number of
members. See footnote a.

Number has remained at 15.

Mode of reporting

The Committee on Budget
and Finance shall consider
the proposed programme
budget and shall submit
its comments and
recommendations to the
Assembly of States
Parties.

The Advisory Committee
shall prepare a report to
the General Assembly on
the proposed programme
budget to be transmitted to
all Member States at the
same time as the report on
the budget.

The Finance Committee shall prepare a
report, containing its recommendations, on
the programme budget proposed by the
Secretary-General, for the consideration of
the Council.

The report is written.

The report is written.

Honorarium

No provision.

Honorarium to the
Chairman (if he/she is not
actively engaged on behalf
of his/her Government or
another body) (General
Assembly resolution 2489
(XXIII)) and subsistence
allowances to members
(resolution 2491 (XXIII)).
See also resolution 2889
(XXVI).

No honorarium.

* The Advisory Committee on Administrative and Budgetary Questions was established by the General Assembly in its resolution 14 (I) of 13 February 1946. The Assembly established the membership at nine members. The number was increased to 12 pursuant to resolution 1659 (XVI) of 28 November 1961. In its resolution 2798 (XXVI) of 13 December 1971, the General Assembly, recalling the restoration of the lawful rights of the People's Republic of China in the United Nations, increased the membership from 12 to 13; and in its resolution 32/103 of 14 December 1977, desiring to increase the participation of members from developing countries, the Assembly increased the membership of the Advisory Committee from 13 to 16.

C. Procedure for election of members of the Advisory Committee

1. Allocation to the Fifth Committee

2. The members are appointed by the General Assembly on the recommendation of the Fifth Committee. Typically, the Assembly has allocated the item to the Fifth Committee for consideration.

3. The Fifth Committee, after a secret ballot, has submitted to the General Assembly a draft decision containing the names of persons recommended for appointment (see, e.g., A/365; A/55/101; A/55/PV.82; see also A/56/101).

2. First election

4. For the first election, the officers of the Fifth Committee initially proposed to submit for adoption a list of countries from which the nine members might be selected. The Committee, however, expressed preference for a selection of members on the basis of personal qualifications, due regard being had to the other requirements of the rules of procedure of the General Assembly. It then proceeded by secret ballot with the selection of the members. Similarly, it proceeded with successive votes to decide the term of office of the members (A/193, annex 33).

3. Subsequent elections

5. The Fifth Committee consistently conducted elections to select members. In the earlier years, even in cases where the number of nominees was the same as the number of seats vacant and the nominees were acceptable, the Committee proceeded with a vote by secret ballot with a two-thirds majority (A/365).

6. In later years, consistent with established practice and paragraph 16 of General Assembly decision 34/401,² on the rationalization of the procedures and organization of the General Assembly, the Committee has proceeded with a secret ballot only where the number of candidates proposed by a regional group has exceeded the number of available vacancies or in respect of candidates that had not been endorsed. In such cases, a separate ballot to elect a candidate has been conducted in respect of the various regional groups with candidates for a particular election. In cases where the number of available seats is the same as the number of candidates or the candidates have been endorsed by the regional group concerned, the Committee has taken its decisions by acclamation (A/55/652 and A/C.5/55/SR.20; see also A/56/625).

7. In terms of regional distribution, the allocation of seats for several years has translated into the following pattern: Africa (3); Asia (4); Eastern Europe (2); Latin America and the Caribbean (3); and Western Europe and other States (4).

² Paragraph 16 reads:

"The practice of dispensing with the secret ballot for elections to subsidiary organs when the number of candidates corresponds to the number of seats to be filled should become standard and the same practice should apply to the election of the President and Vice-Presidents of the General Assembly, unless a delegation specifically requests a vote on a given election."

D. Procedure for election of the Finance Committee

1. First election

8. For the first election, the President, with the approval of the Assembly, conducted informal consultations with the chairmen of regional groups and the chairman of the Group of 77 and China as well as the coordinators of interest groups, focusing on the balance of representation between regional groups and special interest groups in accordance with the annex to the Implementing Agreement (ISBA/A/L.13, para. 6).

9. It was agreed that the Group of Latin American and Caribbean States would relinquish one of its seats on the Finance Committee at the expiration of the first two years (1997-1998) in favour of a candidate from the Asian Group for the remainder of the five-year term.

10. The Western European and Other States Group agreed to relinquish one of its seats on the Finance Committee at the expiration of the first two and a half years of the five-year term commencing in 1997 in favour of a candidate from the Eastern European Group for the remainder of the term.

11. In the light of the special circumstances of the first election, the term of office of the members of the Finance Committee for the period preceding 1 January 1997 was not counted against the five-year term (*ibid.*, para. 10).

12. The agreement on the first composition of the Finance Committee was made without prejudice to the overall composition of the future elections and in particular to the claims of the regional groups, nor would the agreement prejudice elections to other bodies. It was understood that the situation might be reviewed in view of the circumstances prevailing after 16 November 1998 when the provisional membership of the Authority would terminate (*ibid.*, para. 11; see also ISBA/3/A/4, para. 15).

13. On the basis of that agreement, members from China, France, Germany, India, Italy, Jamaica, Japan, Mexico (replaced by Indonesia in 1999 elections (ISBA/5/A/14, para. 7)), the Russian Federation, South Africa, Tunisia, Uganda, United Kingdom of Great Britain and Northern Ireland, the United States of America (Poland was elected following the resignation of the member from the United States of America (ISBA/5/A/14, paras. 8 and 9)) and Uruguay were elected by acclamation.

2. Subsequent election

14. In elections to the Finance Committee at the seventh session of the International Seabed Authority, in 2001, the Assembly elected China, the Czech Republic, France, Germany, India, Indonesia, Italy, Jamaica, Japan, Lebanon, Myanmar, Nigeria, the Russian Federation, Uganda, and the United Kingdom. It was understood that the election was without prejudice to the overall composition of the Committee for future elections and in particular to claims of the regional groups (ISBA/7/A/7, para. 5).

15. In terms of regional distribution, the allocation of seats for the first election was as follows: Africa (3); Asia (3+1); Eastern Europe (1+1); Latin America and the Caribbean (3-1); and Western European and Other (5-1).

16. In the second election, the distribution of Africa (2), Asia (6), Eastern Europe (2), Latin America and the Caribbean (2) and Western European and Other States (4) seems to have been influenced by the willingness of candidates to serve on the Committee (see ISBA/7/A/3 and Add.1-4).

E. Procedure for election of the Committee on Budget and Finance

1. Option A: Proceed on the basis of criteria in draft decision

(1) The election of the members of the Committee on Budget and Finance shall be a matter of substance, and thus subject to the requirements of paragraph 7 (a) of article 112 of the Statute.

(2) The persons elected shall be those candidates who obtain the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.

(3) The election shall be by secret ballot.

(4) This requirement may be dispensed with if the number of candidates corresponds to the number of seats to be filled unless a delegation specifically requests a vote on a given election.

2. Option B: Proceed on the basis of an agreed distribution of seats

Alternative A: Use a simple equitable geographical distribution, taking into account the distribution of the seats in the Bureau.³

Alternative B: Take into account other factors in determining distribution, such as the financial contribution of States Parties to the budget.

(1) The election of members of the Committee on Budget and Finance shall be a matter of substance, and thus subject to the requirements of paragraph 7 (a) of article 112 of the Statute.

(2) The persons elected shall be those candidates from each group who obtain the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.

(3) The election shall be by secret ballot.

(4) The requirement may be dispensed with if the number of candidates corresponds to the number of seats to be filled or in respect of candidates endorsed by the respective regional groups, unless a delegation specifically requests a vote on a given election.

³ Note that the criteria for the Bureau under the Statute are different from applicable criteria for the composition of the Committee on Budget and Finance under the constitutive resolution.

3. Option C: Proceed on the basis of a recommendation by the Bureau

(1) The Assembly may elect by acclamation 12 candidates submitted to it on the basis of a recommendation from the Bureau. Factors in **alternatives A and B** to be taken into account. Regional groups would be consulted for nominations.

(2) An election by secret ballot would be held in the absence of agreement.

4. Cadence

For the purpose of the first election, the President of the Assembly of States Parties shall draw lots to determine, pursuant to paragraph 2 of the annex to the draft resolution on the establishment of the Committee on Budget and Finance,⁴ the cadence of term of office for the members elected, or a separate vote could be held to establish cadence.

5. Election procedure to be without prejudice to the overall composition of the Committee on Budget and Finance for future elections

⁴ PCNICC/2001/1, annex I.

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Working Group on the Assembly of States Parties
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Draft report of the Working Group

Draft resolution of the Assembly of States Parties on the procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court

The Assembly of States Parties,

Bearing in mind the provisions of the Rome Statute of the International Criminal Court, in particular articles 36, 37, 42 and 43,

Mindful of the Rules of Procedure of the Assembly of States Parties,

Approves the following procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court:

A

Nomination of candidates for judges

1. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel the invitations for nominations of judges of the International Criminal Court.
 - 1 bis. The invitations for nominations of judges will include the text of paragraphs 3 and 8 of article 36 of the Statute and the resolution of the Assembly of States Parties on the procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors of the International Criminal Court.
2. States Parties shall nominate their candidates during the nomination period, which shall be fixed by the Bureau of the Assembly of States Parties.
3. Nominations submitted before or after the nomination period shall not be considered.



4. If at the end of the nomination period the number of candidates remains less than the number of seats, the President of the Assembly of States Parties shall extend the nomination period.
5. States Parties to the Statute shall communicate nominations for the election of the judges of the International Criminal Court through the diplomatic channel to the Secretariat of the Assembly of States Parties.
6. Every nomination should be accompanied by a statement:
 - (a) Specifying in the necessary detail how the candidate fulfils each of the requirements in subparagraphs (a), (b) and (c) of paragraph 3 of article 36 of the Statute, in accordance with subparagraph 4 (a) of article 36 of the Statute;
 - (b) Indicating whether the candidate is being nominated for inclusion in list A or list B for the purposes of paragraph 5 of article 36 of the Statute;
 - (c) Containing information relating to subparagraphs (i) to (iii) of paragraph 8 (a) of article 36 of the Statute;
 - (d) Indicating whether the candidate has any expertise under paragraph 8 (b) of article 36 of the Statute;
 - (e) Indicating under which nationality the candidate is being nominated, for the purposes of paragraph 7 of article 36 of the Statute, where a candidate is a national of two or more States.
7. States that have started the process of ratification, accession or acceptance of the Statute may nominate candidates for the elections of judges to the International Criminal Court. Such nominations shall remain provisional and shall not be included in the list of candidates unless the State concerned has deposited its instrument of ratification, accession or acceptance with the Secretary-General of the United Nations before the end of the nomination period and provided that that State is a party to the Statute in accordance with paragraph 2 of article 126 of the Statute on the date of the election.
8. The Secretariat of the Assembly of States Parties shall place the nominations of candidates for judges, the accompanying statements referred to in article 36 of the Statute and other supporting documentation on the Internet web site of the International Criminal Court in any of the official languages of the Court, as soon as possible after receiving them.
9. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it through the diplomatic channel.
10. For the purposes of the first election of the judges of the International Criminal Court, the nominations shall open, by a decision of the Bureau, during the first meeting of the Assembly of States Parties and shall close on [1 November 2002].

B**Election of judges**

11. The Bureau of the Assembly of States Parties shall fix the date of the election.
12. The Secretariat of the Assembly of States Parties shall prepare, in accordance with paragraph 5 of article 36 of the Statute, two lists of candidates in English alphabetical order.
13. The election of judges shall be a matter of substance, and subject to the requirements of paragraph 7 (a) of article 112 of the Statute.
14. The persons elected to the Court shall be those candidates who obtain the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.
15. [Pending]
16. [Pending]
17. [Pending]
18. In the event of a tie for a remaining seat, there shall be a restricted ballot limited to those candidates who have obtained an equal number of votes.
19. When two or more candidates of the same nationality obtain the required majority, the candidate who receives the higher number of votes shall be considered elected.
20. For the purpose of the first election, the President of the Assembly of States Parties shall draw lots, in accordance with paragraph 9 (b) of article 36 of the Statute.

C**Judicial vacancies**

21. In the event of a judicial vacancy, the same procedures for the election of judges shall apply mutatis mutandis.
22. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel invitations for nominations within one month of the occurrence of a judicial vacancy.

D**Nomination of candidates for the Prosecutor**

23. The procedures for the nomination of candidates for judges shall apply mutatis mutandis to the nomination of the Prosecutor.
24. Nominations for the post of the Prosecutor should preferably be made with the support of multiple States Parties.
25. Each nomination should be accompanied by a statement specifying in the necessary detail how the candidate fulfils the requirements of paragraph 3 of article 42 of the Statute.

E

Election of the Prosecutor

26. The Bureau of the Assembly of States Parties shall fix the date of the election.
27. The Secretariat of the Assembly of States Parties shall prepare a list of candidates in English alphabetical order.
28. Every effort shall be made to elect the Prosecutor by consensus.
29. In the absence of consensus, the Prosecutor shall be elected, in accordance with paragraph 4 of article 42 of the Statute, by secret ballot by an absolute majority of the members of the Assembly of States Parties.
30. Deleted.
31. Deleted.
32. In the interest of a timely conclusion of the election, if after three ballots no candidate has obtained the required majority, the balloting shall be suspended to give an opportunity for any withdrawal of candidatures. Before such suspension, the President of the Assembly of States Parties will announce when balloting shall resume. Upon resumption of balloting, if no candidate obtains in the first ballot the majority required, further ballots shall be taken, which shall be restricted to the candidates obtaining the two largest number of votes.

F

Nomination of the Deputy Prosecutors

33. The Prosecutor shall nominate three candidates for each position of Deputy Prosecutor to be filled, in accordance with paragraph 4 of article 42 of the Statute.
34. For each nomination, the Prosecutor should include a statement specifying in the necessary detail how the candidate fulfils the requirements of paragraph 3 of article 42 of the Statute.
35. In proposing the list of candidates, the Prosecutor should bear in mind, in accordance with paragraph 2 of article 42, that the Prosecutor and the Deputy Prosecutors shall all be of different nationalities. A candidate who could be regarded as a national of more than one State shall be deemed to be a national of the State in which that candidate ordinarily exercises civil and political rights.
- 35 bis. The Secretariat of the Assembly of States Parties shall place the nominations of candidates for the position of Deputy Prosecutor, the accompanying statements of qualification and other supporting documentation on the Internet web site of the International Criminal Court in any of the official languages of the Court as soon as possible after receiving them.
36. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it through the diplomatic channel.

G

Election of the Deputy Prosecutors

37. The procedures for the election of the Prosecutor in section E shall apply *mutatis mutandis* to the election of any Deputy Prosecutor.

38. In case of an election for more than one position for the post of Deputy Prosecutor:

(a) The persons elected to the post of Deputy Prosecutor shall be those candidates who obtain the highest number of votes and an absolute majority of the members of the Assembly of States Parties;

(b) If the number of eligible candidates obtaining the required majority for the elections exceeds the number of positions for Deputy Prosecutor so allocated thereunder, the candidates obtaining the highest number of votes to fill the number of seats so allocated shall be considered elected.



**Preparatory Commission for the
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Draft report of the Working Group

**Draft resolution regarding the permanent secretariat of the
Assembly of States Parties**

The Assembly of States Parties,

Bearing in mind article 112 of the Rome Statute of the International Criminal Court,

Taking note of rule 37 and other relevant provisions of its Rules of Procedure in which specific functions are assigned to its secretariat,

Noting that the necessary arrangements are being made to ensure the provision of secretariat services to the Assembly on a provisional basis,

Desiring to ensure that adequate secretariat services are provided to the Assembly on a permanent basis upon the conclusion of a provisional period,

1. *Requests* the Bureau, with the required assistance, to study the question of the permanent secretariat of the Assembly and to submit related proposals, including an assessment of the budgetary implications for the 2004 budget, to the Assembly so that it may take a decision thereon at its regular session in the second half of 2003;

2. *Also requests* the Bureau to examine in that regard the modalities for the progressive replacement of the provisional secretariat by the permanent secretariat in an efficient and expeditious manner, in consultation with the Secretariat of the United Nations.



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Draft report of the Working Group

**Draft recommendation of the Assembly of States Parties
concerning seating arrangements for States Parties**

The Assembly of States Parties recommends that the President of the Assembly of States Parties draw lots for the purpose of choosing the State Party to occupy the first desk on the Assembly floor from which the alphabetical seating order will begin. After a given State Party's name is drawn, the delegation of that State Party will sit at the first desk to the right of the President and the other States Parties will follow in English alphabetical order. For the purposes of the first meeting of the Assembly, the Secretary-General of the United Nations will draw the lots.





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Draft report of the Working Group

**Draft resolution of the Assembly of States Parties on the procedure
for the nomination and election of members of the Committee on
Budget and Finance**

The Assembly of States Parties,

Bearing in mind its draft resolution establishing the Committee on Budget and Finance,

Mindful of the Rules of Procedure of the Assembly of States Parties,

Approves the following procedure for the election of members of the Committee on Budget and Finance:

A. Nomination of candidates

1. The Secretariat of the Assembly of States Parties shall circulate through the diplomatic channel the invitations for nominations of members of the Committee on Budget and Finance. The invitations will include the requirement that the candidates be experts of recognized standing and experience in financial matters at the international level.
2. States Parties shall nominate their candidates during the nomination period, which shall be fixed by the Bureau of the Assembly of States Parties.
3. Nominations submitted before or after the nomination period shall not be considered.
4. If at the end of the nomination period the number of candidates remains less than the number of seats, the President of the Assembly of States Parties shall extend the nomination period.
5. States Parties to the Statute shall communicate nominations for the election of the members of the Committee on Budget and Finance through the diplomatic channel to the Secretariat of the Assembly of States Parties.
6. Each nomination shall specify how the candidate fulfils the requirements of paragraph 2 of the annex to the draft resolution establishing the Committee on Budget and Finance.



7. The Secretariat of the Assembly of States Parties shall prepare a list in English alphabetical order of all persons thus nominated, with accompanying documents, and shall circulate it through the diplomatic channel.

B. Distribution of seats

8. Bearing in mind the requirements of paragraph 2 of the annex to the draft resolution establishing the Committee on Budget and Finance, the distribution of seats for the first election is as follows:

African States, [2] seats;

Asian States, [2] seats;

Eastern European States, [2] seats;

Group of Latin American and Caribbean States, [2] seats;

Western European and Other States, [4] seats.

C. Election of members of the Committee on Budget and Finance

9. Every effort shall be made to elect the members of the Committee by consensus, on the basis of a recommendation by the Bureau. In making its recommendation, the Bureau shall consult the regional groups. In the absence of agreement within the concerned regional group, the Bureau shall abstain from making a recommendation regarding that group.

10. In the absence of a consensus, the election of members of the Committee on Budget and Finance shall be a matter of substance, and subject to the requirements of article 112, paragraph 7 (a), of the Statute.

11. The election shall be by secret ballot. The requirement may be dispensed with if the number of candidates corresponds to the number of seats to be filled or in respect of candidates endorsed by the respective regional groups, unless a delegation specifically requests a vote on a given election.

12. The persons elected shall be those candidates from each group who obtain the highest number of votes and a two-thirds majority of States Parties present and voting, provided that an absolute majority of the States Parties constitutes the quorum for voting.

13. For the purpose of the first election, the President of the Assembly of States Parties shall draw lots to determine, pursuant to paragraph 2 of the annex to the draft resolution on the establishment of the Committee on Budget and Finance, the cadence of term of office for the members elected.

14. The present procedure is without prejudice to the overall composition of the Committee on Budget and Finance, the procedures for future elections or the future distribution of seats.

15. The State Party which submitted the nomination of a member of the Committee on Budget and Finance shall defray the expenses of that member while in performance of Committee duties.





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Draft report of the Working Group

**Provisional agenda for the first meeting of the Assembly of
States Parties, to be held at United Nations Headquarters
from 3 to 10 September 2002**

1. Opening of the meeting by the Secretary-General.
2. Silent prayer or meditation.
3. Election of the President.
4. Adoption of the agenda.
5. Adoption of the Rules of Procedure of the Assembly of States Parties.
6. Election of two Vice-Presidents and 18 members of the Bureau.
7. Credentials of representatives of States Parties at the first meeting:
 - (a) Appointment of the Credentials Committee;
 - (b) Report of the Credentials Committee.
8. Organization of work.
9. Establishment of other subsidiary bodies.
10. Consideration of the report of the Preparatory Commission:
 - (a) Rules of Procedure and Evidence;
 - (b) Elements of Crimes;
 - (c) A relationship agreement between the Court and the United Nations;
 - (d) Basic principles governing a headquarters agreement to be negotiated between the Court and the host country;
 - (e) Financial regulations and rules;
 - (f) An agreement on the privileges and immunities of the Court;



- (g) Any resolution, recommendation or other matters.
11. Adoption of the procedure for the nomination and election of judges, the Prosecutor and the Deputy Prosecutors.
 12. Adoption of the budget for the first financial period.
 13. Adoption of the scale of assessments.
 14. Decisions regarding practical arrangements for the transitional period.
 15. Appointment of an external auditor.
 16. Decisions concerning the next meeting, including dates and venue.
 17. Other matters.
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